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APPLICATION NO.	FILING DATE .	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,448	05/31/2001	Jesus Matey	01288	9852
24118	7590	07/29/2005	EXAMINER	
HEAD, JOHNSON & KACHIGIAN 228 W 17TH PLACE TULSA, OK 74119			JONES III, CLYDE H	
			ART UNIT	PAPER NUMBER
			2611	
DATE MAILED: 07/29/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/871,448	<b>Applicant(s)</b> MATEY, JESUS	
	<b>Examiner</b> Clyde H. Jones III	<b>Art Unit</b> 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5-10-2002.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3, 6 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Nijima et al. (US 5,926,230).

In regards to claim 1, Nijima discloses a television system (fig. 3), said system comprising: at least a display screen (4), said television system receiving video and audio (col. 9, lines 14-18) and auxiliary data (archive data is EPG data - col. 12, lines 34-38) via a broadcast data receiver (2) from a broadcaster (Broadcasting Station – fig. 3) at a remote location and said data being used to generate an electronic program guide for display on the display screen (col. 12, lines 34-41), the electronic program guide including a series of selectable screen displays (fig. 1C shows 6 selectable screen displays) selected to be displayed on the display screen (fig. 1D shows a screen display – program selection screen- selected to be displayed from the series of screens in fig. 1C) and wherein the format of at least one of said electronic program guide screen displays can be generated in one of a number of selectable formats (user selects one of a number of multi-screen previews of reduced screens format – col. 13, lines, 18-20; user selects a reduced screen from one of the number of multi-screen

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previews – col. 13, lines 30-32; user selects language format – col. 17, lines 7-9; or favorite format - col. 17, lines 11-13 & fig. 25), said display formats selectable by the user using control means which allow interaction with said television system (col. 13, lines 9-17).

In regards to claim 3, Niijima discloses the control means that is a remote control handset (fig. 9 and fig. 12).

In regards to claim 6, Niijima discloses one of the number of selectable formats is selected by the user, the format is maintained for said electronic program guide display until the user selects a different selectable format. The reduced screen format is transmitted via a single channel (col. 5, lines 37-44) and if the channel and format are selected they will be maintained on the screen even after the turning off and on of the STB power (col. 15, lines 57-67).

In regards to claim 10, Niijima discloses that the number of selectable electronic program guide formats (program selection screens) are selected from a group of formats (fig. 1C) consisting of different sizes (reduced screens – fig. 1D), different arrangements (3×3 array of favorites format – fig. 25) and different languages (col. 17, lines 7-9).

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3. Claims 1, 2, 3, 6, 9 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Lemmons (US 6,481,011 B1).

In regards to claim 1, Lemmons discloses a television system (fig. 1), said system comprising: at least a display screen (32), said television system receiving video and (col. 4, lines 1-4) and auxiliary data (EPG data - col. 4, lines 23-25) via a broadcast data receiver (28 or 36) from a broadcaster (16) at a remote location and said data being used to generate an electronic program guide for display on the display screen (col.4, lines 48-50), the electronic program guide including a series of selectable screen displays selected to be displayed on the display screen (figs. 7, 13, 14 and 17 show EPG display screens selected to be displayed) and wherein the format of at least one of said electronic program guide screen displays can be generated in one of a number of selectable formats (the appearance of EPG screens can be generated in a number of selectable formats such as different colored backgrounds for programs, fig. 13 and 14 show different colored text, different backgrounds and different font sizes, fig. 14 – col. 9 lines 50-52), said display formats selectable by the user using control means (34 or 40) which allow interaction with said television system (col. 4, lines 59-65).

In regards to claim 2, Lemmons discloses a television system wherein the pre-determined formats are selectable from the electronic program guide display screen (fig. 11 step 144 & fig.14 – col. 9, lines 43-48; fig. 5 and fig. 2 – col. 7, lines 32-41; and fig. 8&9 – col. 8, lines 14-25;).

In regards to claim 3, Lemmons discloses the control means (34 – fig.1) is a remote control handset (col. 4, lines 59-65).

In regards to claim 6, Lemmons discloses one of the number of selectable formats is selected by the user, the format is maintained for said electronic program guide display until the user selects a different selectable format (col. 9, lines 59-61 & col. 10, lines 35-36).

In regards to claim 9, Lemmons discloses a preview setting (84 - fig. 5, color and/or background preview) is provided on said electronic program guide to enable a user to view a format prior to selection of the format (col. 7, lines 44-46 & 50-51).

In regards to claim 10, Lemmons discloses that the number of selectable electronic program guide formats are selected from a group of formats consisting of different colored backgrounds, different colored text (col. 9, lines 50-52) and different font sizes (shown in fig. 14).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lemmons (6,481,011 B1) in view of Hendricks et al. (US 6,408,437 B1).

In regards to claim 4, Lemmons discloses the organization of formats or preference attributes and colors into a profile (col. 6, lines 3-5) and further that the formats are associated with the profile to satisfy the viewer's selection criteria (col. 5, lines 49-52). Lemmons also discloses that the EPG data is transmitted to the STB (col.4, line 23-24) and that the EPG is constructed or implemented on the STB.

However, Lemmons fails to specifically disclose that the number of selectable formats are stored in memory of said broadcast data receiver.

In an analogous art Hendricks discloses a broadcast data receiver (STB 220 – fig. 1) that implements a user profile system for formatting the program guide menu (col. 34, lines 22-29 – figs. 12A & 14). Hendricks further discloses that the data used to construct the guide format text, colors, fonts, background, inter alia, are stored in the memory of the broadcast data receiver 220 (col. 24, line 34, 38-42 & 44-46) so that the STB microprocessor can carry out instructions for constructing the on screen displays of the guide (fig. 9C).

It would be obvious to one skilled in the art at the time the invention was made to modify the system of Lemmons to include the number of selectable formats being stored in memory of the broadcast receiver as taught by Hendricks for the added

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advantage of local processing of the EPG formats in accordance with user selected preferences.

6. Claims 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lemmons (6,481,011 B1) in view of Hendricks et al. (US 6,408,437 B1).

In regards to claim 5, Lemmons discloses the organization of formats or preference attributes and colors into a profile (col. 6, lines 3-5) and further that the formats are associated with the profile to satisfy the viewer's selection criteria (col. 5, lines 49-52). Lemmons also discloses that the EPG data is transmitted to the STB (col.4, line 23-24) and that the EPG is constructed or implemented on the STB.

However, Lemmons fails to disclose that the number of selectable formats are sent from the broadcaster to said broadcast data receiver at pre-determined intervals.

In an analogous art Hendricks et al. discloses a broadcast data receiver (STB 220 – fig. 1) that implements a user profile system for formatting the program guide menu (col. 34, lines 22-29 – figs. 12A & 14). Hendricks further discloses that the data used to construct the guide format text, colors, fonts, background, inter alia, are sent from the broadcaster 208 (cable headend – fig. 1) via digital or analog signals (fig. 3 – 216) and received by the broadcast data receiver 220 (col. 10, lines 6-9, & 15-24) so that the STB microprocessor can carry out instructions for constructing the on screen displays of the guide (fig. 9C). The limitation at pre-determined time intervals reads on



Hendricks sending formats with program control information (col. 10, lines 15-16) at pre-determined times (col. 22, lines 7-10).

It would be obvious to one skilled in the art at the time the invention was made to modify the system of Lemmons to include the number of selectable formats being sent from the broadcaster to the broadcast data receiver at pre-determined intervals as taught by Hendricks for the added advantage of local processing of the EPG formats in accordance with user selected preferences and enabling remote programming of the broadcast data receiver (col. 10, lines 12-14).

7. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemmons (6,481,011 B1) in view of Das et al. (US 6,493,688 B1).

In regards to claim 7, Lemmons discloses the use of several selectable EPG format profiles (col. 9, line 66 – col. 10, line 1) and default selections to be used when no selection criteria is provided for a user's profile (col. 8, lines 25-28).

However, Lemmons fails to disclose when one of the number of selectable formats is selected by the user, said electronic program guide reverts to a default format when said television system is switched off and then on.

In an analogous art, Das discloses an EPG system that also uses profiles to control the EPG (col. 5, lines 4-5) and an inherently stored default profile is automatically selected when the power is turned on after being turned off (col. 4, lines 9-10) for the purpose of providing a profile that displays all programs (all programs have a

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positive rating) without discretion (col. 4, line 10), is viewable to all users (col. 4, line 13-15), and provides a departure for creating a personal profile (col. 2, line 37-38).

It would be obvious to modify the system of Lemmons so that when one of the selectable formats is selected, the EPG will revert to a default format profile when the television system is switched off and on as taught by Das, for the purpose of providing a starting EPG profile that allows the user to easily make changes or adjustments to the EPG format and to suit the taste of more persons.

Claim 8 is rejected by Lemmons in view of Das (discussed above in claim 7) as similar subject matter is discussed.

8. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nijima in view of Legrand (US 6,020,930) and in further view of Allport (US 6,757,001 B2).

Nijima discloses a remote control (5 – fig. 12) with buttons that actuate specific functions on the EPG such as language formatting (142), displaying a preview screen (143) and displaying a favorites format (144). The buttons on the remote control are used to manipulate pre-defined operations on the EPG display formats selectable by the user which allows interaction with said television system (col. 13, lines 9-17). Nijima further discloses the use of a cursor or pointer on the display that highlights a frame around a selectable reduced screen (fig. 5 – middle screen) of the EPG multi-preview

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screens (col. 21, lines 13-17). The selectable screen functions as a button which when selected or actuated by pressing the appropriate button on the remote control performs a function such as displaying the selected channel in an ordinary format.

However Niijima fails to disclose operational keys on the remote control are provided in specific shapes and colors corresponding to specific shaped and colored keys or buttons in one or more of the selectable electronic program guide formats, such that one or more of the pre-defined operations are initiated via the electronic program guide by selecting the appropriate one or more specified shaped and colored keys on the remote control.

In an analogous art Legrand discloses an EPG system with selectable video format screens in a 3X3 matrix (fig. 7 – col. 6, 41-46). Legrand discloses the use of specific shaped and colored keys or buttons in one or more of the selectable electronic program guide formats. Legrand teaches a pointer in the shape of a frame or rectangle that has a color distinguishable from the background and the pointer is manipulated by the user using the remote control (5 – fig. 1) cursor in order to select a channel for viewing from the EPG (col. 6, lines 51-62).

It would be obvious to modify the EPG of Niijima to include the colorized and shaped keys or buttons selectable on the EPG multi-screen format as taught by Legrand for the advantage of having an easily distinguishable cursor displayed the screen that can be manipulated by an associated cursor on the remote control to select a reduced screen for viewing.

Nijima in view of Legrand fail to disclose a remote control with buttons provided in specific shapes and colors to perform pre-defined operations or display functions corresponding to Legrand's specific shaped and colored keys or buttons on the EPG screen.

In an analogous art Allport discloses the use of a remote control with buttons of specific shapes and colors, inter alia to perform pre-defined operations or display functions (col. 7 – lines 4-9).

It would be obvious to modify the EPG system of Nijima in view of Legrand to include a remote control with buttons provided in specific shapes and colors to perform pre-defined operations or display functions as taught by Allport for the advantage of providing the EPG user with an intuitive and easily identifiable program selection interface.

Claim 12 is rejected by Nijima, Legrand and Allport because Claim 1 specifically states that the television system comprises various components including a user control means, which the examiner reads as a device such as the remote control (user control means) as discussed in claim 11.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clyde H. Jones III whose telephone number is 571-272-5946. The examiner can normally be reached on 9-5:30 p.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Clyde H. Jones III* July 20, 2005  
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